

Message Text

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ACTION AF-06

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INFO AMEMBASSY GABORONE

AMEMBASSY MBABANE

AMEM BASSY PRETORIA

AMCONSUL CAPE TOWN

AMCONSUL JOHANNESBURG

AMCONSUL DURBAN

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CAPE TOWN ALSO FOR EMBASSY

E.O. 11652:N/A

TAGS: PINT, LT

SUBJECT: TREASON TRIAL SENTENCING

REF: MASERU 226

1. HIGH COURT CHIEF JUSTICE MAPETLA MARCH 10 SENTENCED 15
FOUND GUILTY OF HIGH TREASON FOR INVOLVEMENT IN 1974 COUP ATTEMPT
TO PRISON TERMS RANGING FROM 9 YEARS TO 4 AND ONE-HALF YEARS.
ANOTHER 5 FOUND GUILTY OF SEDITION RECEIVED SENTENCES FROM 6
YEARS TO 3 YEARS. PARTS OF SOME SENTENCES SUSPENDED. TWO
FOUND GUILTY OF SECURITY ACT OFFENSE SENTENCED TO TERMS OF 18
MONTHS, ALL OF WHICH CONDITIONALLY SUSPENDED FOR THREE YEARS.
(LIST OF ACCUSED AND OUTCOME EACH CASE BEING POUCH DEPT.)

2. DEFENSE PRESENTED ARGUMENTS IN MITIGATION MARCH 6, COVERING
THOROUGHLY POLITICAL BACKGROUND OF COUP ATTEMPT AND MAKING
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PRINCIPAL POINTS THAT MEMBERS OF OPPOSITION BCP RELENTLESSLY

PERSECUTED BY POLICE AND "PEACE CORPS" SINCE 1970, HAD NO CONSTITUTIONAL RECOURSE TO SPEAK OUT AGAINST EXCESS OF POLICE WHO SEEMED TO BE COMPLETELY ABOVE THE LAW, AND CONSEQUENTLY DEFENSELESS AND DESPERATE. DEFENSE ALSO ARGUED PLOTTERS ACTED NOT FOR PERSONAL GAIN BUT AS RESULT OF GRIEVANCES, THAT MOST IN PLOT PERSUADED THERE WOULD BE LITTLE OR NO VIOLENCE AS POLICE WOULD RUN AWAY, AND THAT THOSE FOUND GUILTY WERE NOT LEADERS IN THE COUP ATTEMPT. IT WAS FURTHER ARGUED THAT ON EVE OF COUP ATTEMPT, BCP MEMBERS HAD WIDESPREAD FEAR THAT SOME DRASTIC ACTION ABOUT TO BE TAKEN AGAINST THEM BY GOVERNMENT, INCLUDING DECLARATION OF STATE OF EMERGENCY, ROUNDUP OF BCP FIGURES, AND DECLARATION OF ONE-PARTY STATE. PRINCIPAL WITNESS WAS CHARLES MOFELI, HEAD OF OPPOSITION UNITED DEMOCRATIC PARTY.

3. CHIEF JUSTICE MAPETLA SAID HE ACCEPTED DEFENSE ARGUMENTS, ESPECIALLY AS THEY NOT CHALLENGED BY PROSECUTION. HE EXPRESSED STRONG DISAPPROVAL OF RECOURSE TO VIOLENCE IN REDRESSING GRIEVANCES AGAINST THE STATE, SAYING NO COURT COULD CONDONE SUCH VIOLENCE. HE SAID, HOWEVER, HE HAD TO TAKE INTO ACCOUNT CIRCUMSTANCES, AMOUNT OF VIOLENCE, AND INDIVIDUAL BLAMEWORTHINESS.

4. CHIEF JUSTICE SAID IT NOT HIS FUNCTION TO PASS JUDGEMENT ON POLITICAL CONDITIONS IN COUNTRY BUT DID EXPRESS DEEP CONCERN THAT POLICE SHOWED SO LITTLE RESPECT FOR LAW AND ORDER THAT SYMPATHY SHIFTED WIDELY IN FAVOR OF THOSE WHO HAD TRIED TO OVERTHROW GOVERNMENT. HE SAID ANY EFFECT SENTENCE MIGHT HAVE HAD WAS NEUTRALIZED BY REPRESSIVE POLICE ACTS.
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